

No. 24-12793-JJ

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

**BENJAMIN BLANCHARD,
VONN CAPEL,**

District Court Docket No.
8:24-cv-00352-WFJ-CPT

Plaintiffs/Appellants,

vs.

PASCO COUNTY, a political subdivision
of the State of Florida; **ET AL.,**

Defendants/Appellees.

**RESPONSE TO MOTION FOR SANCTIONS
WITH INCORPORATED
MOTION TO STRIKE**

Appellants come before this Honorable Court with this Response to Motion for Sanctions pursuant to Rule 38, with incorporated Motion to Strike. The Assessor's Counsel has not followed Local Rule 38-1, nor does the Motion for Sanctions follow this Honorable Court's prior stare decisis and views regarding Sanctions on *Pro Se* litigants.

**Certificate of Interested Persons
And Corporate Disclosure Statement**

Pursuant to Fed. R. App. P. 26.1 and 11th Cir. R. 26.1-1 and 26.1-2, the undersigned hereby certifies that the following is a list of persons and entities who have an interest in the outcome of this case:

Blanchard, Benjamin, pro-se plaintiff/appellant.

Capel, Vonn, pro-se plaintiff/appellant.

Fasano, Mike, in his individual and official capacity as Pasco County Tax Collector, defendant/appellee.

Frederick T. Reeves, P.A., counsel for defendants/appellees, Mike Fasano, in his individual and official capacity as Pasco County Tax Collector, and Pasco County Tax Collector Office.

Hale, Robert C., counsel for defendant/appellee, Pasco County, Florida.

Jung, William F., United States District Court Judge, Middle District of Florida, Tampa Division.

Levy Law Firm, counsel for defendants/appellees, Mike Wells, in his individual and official capacity as Pasco County Property Appraiser and Pasco County Property Appraiser Office.

Levy, Loren, attorney with The Levy Law Firm, counsel for defendants/appellees,
Pasco County Attorney Office, counsel for defendant/appellee, Pasco County,
Florida.

Pasco County, Florida, a political subdivision of the State of Florida, defendant/
appellee.

Pasco County Property Appraiser Office, defendant/appellee.

Pasco County Tax Collector Office, defendant/appellee.

Reeves, Frederick T., attorney with Frederick T. Reeves, P.A., counsel for
defendants/appellees, Mike Fasano, in his individual and official capacity as Pasco
County Tax Collector and the Pasco County Tax Collector Office.

Rodkey, Sydney E., attorney with The Levy Law Firm, counsel for defendants/
appellees, Mike Wells, in his individual and official capacity as Pasco County
Property Appraiser, and Pasco County Property Appraiser Office.

Tuite, Christopher P., United States Magistrate Judge, United States District
Court Middle District of Florida, Tampa Division.

Wells, Mike, in his individual and official capacity as Pasco County Property
Appraiser, defendant/appellee.

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INCORPORATED MOTION TO STRIKE DOCKET 26

Timeline of Events

On 10/03/2024 Appellants filed their Appeal brief as Document 9. On 10/15/2024 the Circuit Court filed Document 20 containing the following: “Briefing Notice issued to Appellees Pasco County, Pasco County Property Appraiser Office and Pasco County Tax Collector Office. Appellee's brief is due on or before 11/14/2024. Appellants' appendix is due 7 days from the date of this notice.”

On 11/14/2024, Counsel for the Assessor filed their Appellee brief, and their Appendix. The following day, 11/15/2024, the Motion for Sanctions and Attorney fees was submitted as Document 26. This Motion for Sanctions was filed out of time, and not in compliance with Local Rule 38-1.

LOCAL RULE 38-1

11th Cir. R. 38-1 Time for Filing Motions. Motions for damages and costs pursuant to FRAP 38 **must be filed no later** than the filing of appellee’s brief.

Unfortunately for the Assessor's Counsel, the Motions for Sanctions is one day later than the filing of the Appellee brief, and not in accord with this Honorable Court's Local Rules for timing of filing. Accordingly, this Court should Strike the Motion for Sanctions and Attorney fees, for filing out of time.

RESPONSE TO MOTION FOR SANCTIONS

The Honorable 11th Circuit Court has been reluctant to sanction *Pro Se* litigants, even if the appeal is potentially frivolous, see *Woods v. I.R.S.*, 3 F.3d 403, 404 (11th Cir. 1993), *Kight v. IPD Printing & Distrib., Inc.*, 522 F. App'x 849, 849 (11th Cir. 2013), *Hyslep v. United States*, 765 F.2d 1083, 1084 (11th Cir.1985).

The First Amendment right to redress the Government includes this Honorable Court. Appellants have been on a steep learning curve from the start of litigation, but have endeavored to be conservative of the Courts time. The contention that Inalienable and Constitutionally protected Liberties are being infringed, violated and chilled falls under the purview of Article III Courts and should be examined before this Circuit Court, without being threatened with or fined by sanctions.

Conclusion

Appellants respectfully move the Honorable Circuit Court to strike this Motion for Sanctions by the Assessor's Counsel or in the alternative, dismiss the

Motion for Sanctions. The Right to seek redress from the government is a First Amendment right, and punishing *Pro Se* litigants for seeking protection and remedy with the Courts for their inalienable rights should not be frivolously sanctioned by Counsel.

Respectfully Submitted,

Benjamin Blanchard

Vonn Capel

/S/ Benjamin Blanchard

/S/ Vonn Capel

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November 18, 2024

CERTIFICATE OF COMPLIANCE

Appellants certifies that this document complies with the type-volume limit of Federal Rule of Appellate Procedure 32(a)(7)(B)(i) because, excluding the sections exempted by Federal Rule of Appellate Procedure 32(f), this document contains 402 words. This document complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because this document has been prepared in a proportionally spaced typeface using font 14 Times New Roman.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 18, 2024, I electronically filed the foregoing Motion to Strike using the ECF System, and that a copy will be served upon the following via transmission of Notices of Docket Activity generated by the ECF System.

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